REMARKS

Reconsideration of the above-identified application is respectfully requested.

Claim 11 was rejected as unpatentable over Petersen in view of Eisen. Claim 11 recites a minivan. The Petersen patent discloses "vehicle 2, such as a bus or the like" [column 4, line 40]. Under MPEP §2143.01 "There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." See *In re Rouffet*, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). Patent specifications are addressed to one of ordinary skill in the art. Although patent examiners are not ones of ordinary skill in the art, "Office personnel must always remember to use the perspective of one of ordinary skill in the art. Claims and disclosures are not to be evaluated in a vacuum" MPEP §2106.

Concerning the nature of the problem to be solved, even one **not** of ordinary skill in the art but perhaps one who has done routine maintenance on a car, knows that working on an SUV (sport utility vehicle), for example, is vastly easier than working on a compact car. Why? Because there is more room to work in an SUV. Similarly, adding a platform to a bus simply does not present the problems associated with adding a platform to a minivan. It is respectfully submitted that a bus is not even analogous art to a minivan; see MPEP §2141, "ANALOGY IN THE MECHANICAL ARTS."

In applicants' invention, one has not only added a powered, folding ramp but one has done so with a minimum of intrusion into valuable interior space; see specification, page 2, lines 9–20. To one of ordinary skill in the art of modifying a minivan, modifying a bus is like having unlimited workspace.

The Examiner is requested to follow the guidelines provided by the MPEP and the Federal Circuit. In so doing, it will immediately become apparent that the Petersen patent is irrelevant to the claimed invention.

Claim 11 recites a folding ramp that folds in half, approximately. The Petersen patent discloses a flip-over ramp, wherein a one-piece ramp flips over one end to extend or retract. Clearly, the Petersen patent teaches away from the invention.

The Examiner combines the teachings of the Eisen patent with those of the Petersen patent. When so stated, the rejection seems legitimate enough. On the other hand, if one combines a patent on a bus with a patent on a platform scale to render obvious a fold-out ramp for a minivan, it is hard to imagine a more clear-cut example of hindsight reconstruction of an invention. Is the Examiner seriously suggesting that those in the bus art look to weighing scales for suggestions, or vice-versa? It is respectfully submitted that *In re Rouffet* clearly prohibits such flights of fantasy; i.e., there is no motive to make the combination. After-the-fact rationalization is not the same as a motive.

Claims 2, 4, and 6 were rejected as unpatentable over Petersen in view of Eisen and Vartanian. The Vartanian patent discloses a platform lift having a rotating platform. A platform lift is different in kind from a ramp. There is no basis for the selection of components but applicants' claims. There is certainly no suggestion for the combination in the prior art itself; *In re Rouffet*. Further, the disclosure of the Vartanian patent overcomes none of the deficiencies noted in the disclosures of the Petersen patent or the Eisen patent.

Claims 5, 7, 8, 9, and 10 were rejected as unpatentable over Petersen in view of Eisen, Vartanian, and Roth-Stielow et al. The Roth-Stielow et al. patent is cited to show dynamic braking. Applicants have already gone on record as saying that the principle of dynamic braking is known in the art. The broad combination of dynamic braking and a folding ramp is novel and unobvious. The combination enables a compactness and safety not previously obtainable as easily. It is respectfully submitted that there is no basis in the prior art for the combination proposed by the Examiner; *In re Rouffet*, 47 USPQ2d 1453, at 1457 (Fed. Cir. 1998).

It is noted that the Examiner refers to "well know [sic] technology (regenerative braking)." Technically, this mischaracterizes the Roth-Stielow et al. patent. There is no regeneration disclosed in the Roth-Stielow et al. patent. Power is dissipated as heat. No energy is recovered and returned to a source. "[B]raking energy is converted to heat in the braking resistor and released to the surroundings" [column 1, lines 16–17].

In view of the foregoing remarks, it is respectfully submitted that claims 11, 2, 4, 6, 7, 8, 9, and 10 are in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

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